

BAKER  
&  
HOSTETLER LLP  
COUNSELLORS AT LAW

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E MARK BRADEN  
WRITER'S DIRECT DIAL NUMBER (202) 861-1504  
E-MAIL MBRADEN@BAKERLAW.COM

June 7, 2004

Federal Election Commission  
General Counsel Office  
999 E Street, N.W.  
Washington, DC 20463  
Attn: Kim C. Stevenson

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2004 JUN 10 A 10:45

Re: MUR 5445 – MiLead Fund

Dear Ms. Stevenson:

This letter is in response to the Federal Election Commission ("Commission") letter of April 29th to Mark Brenner, Treasurer of MiLead Fund ("Fund"). The Commission letter enclosed a copy of a complaint from Public Citizens, alleging that the Fund violated provisions of the Federal Election Campaign Act of 1971, as amended. Specifically, the complaint alleges that the Fund accepted a contribution from Quentin Nesbitt that was earmarked or designated for the Geoff Davis for Congress Committee and that the Fund donated these funds to the Davis campaign. The letter also says that the "evidence also strongly indicates" that this was a contribution to the Geoff Davis for Congress Committee in the name of another within the meaning of 11 C.F.R. § 110.4. The "evidence" provided by Public Citizens consists solely of the fact "discovered" from the Fund's disclosure filings at the Commission that Mr. Nesbitt made a contribution of \$1,000 to the Fund on September 23, 2003, and on September 30, 2003, the Fund made a contribution of \$1,000 to the Davis Committee.

Enclosed with this letter are two affidavits, one from the Treasurer of the Fund, and a second from Congressman Hoekstra, the organizer of the Fund. The affidavits are unequivocal that the Nesbitt contribution was not accepted by the Fund on an earmarked or designated basis. No direction was received orally or in writing from Mr. Nesbitt by the Fund regarding his contribution.


The Fund was organized by Congressman Hoekstra to support Republican candidates for the United State House of Representatives and to assist the Republican Party in retaining a

majority in the House. The Fund made contributions to 35 Republican House candidates in 2003, 12 candidates in the month of September alone. The Fund has in the past and anticipates in the future contributing to Republican House candidates based on its goals of maintaining Republican control of the House and the election of quality individuals. The Davis campaign is one of the few closely contested races for the U.S. House of Representatives in 2004. A political action committee whose stated goal is to assist in maintaining Republican control of the House has relatively few races where their financial support may impact on the outcome of the campaign. This district race is one.

The Fund has a history of support to the Davis campaign. In the 2002 election cycle, the Fund made a contribution to the Geoff Davis for Congress Committee. It is simply silly to conclude that the Fund needed direction from Mr. Nesbitt to support the Davis Committee. The complaint has provided the Commission with no documentation or statement from any individual with any personal knowledge regarding the contributions which supports these allegations concerning the Fund. For this reason, the Commission should close this MUR without further action in regard to the Fund and Mr. Brenner.

If you should have any question regarding this matter, please do not hesitate to contact me.

Sincerely,



E. Mark Braden

EB/rvn

Enclosures

Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

AFFIDAVIT OF MARK BRENNER

Re: MUR 5445 – MiLead Fund.

- 1) I, Mark Brenner, am the Treasurer of the MiLead Fund ("Fund"). I am the Executive Vice President of College Loan Corporation, Hamilton Square - Fifth Floor, 600 Fourteenth Street, N.W., Washington, DC 20005.
- 2) As Treasurer of the Fund, I regularly receive contribution checks for the Fund. I received a check in the amount of \$1,000 drawn on the account of Jean Nesbitt and Quentin Nesbitt, signed by Quentin Nesbitt and dated September 23, 2003. I have no memory or knowledge whether the check arrived by postal service, overnight delivery service, or hand delivery. I have attached a copy of that check and the deposit slip to this statement. (Attachment \_\_). An examination of the check shows that on its face there is no indication that the contribution was earmarked or designated in any manner for any specific use or candidate.
- 3) On October 30, 2003, I sent an acknowledgement and thank you letter for the contribution to Mr. Nesbitt on behalf of the Fund from Congressman Pete Hoekstra. Attached is a copy of that thank-you letter, which is the same acknowledgment sent to all contributors of the Fund. (Attachment \_\_). An examination of the thank-you letter of October 30, 2003 does not indicate any agreement to earmark or designate Mr. Nesbitt's contribution to the Fund to any specific candidate or campaign.
- 4) The thank-you letter makes reference to helping to propel Republicans to leadership in Congress. No reference is made to the Geoff Davis for Congress campaign in Kentucky.
- 5) I made no representation to Mr. Nesbitt that his contribution would be accepted on an earmarked or designated basis by the Fund. To the best of my knowledge, I have never met

Quentin Nesbitt nor spoken with him. I would not have accepted a contribution from Mr. Nesbitt on a designated basis, nor has the Fund, to my knowledge, ever accepted an earmarked or designated contribution from a donor.

6) I know of no one associated with the Fund that made any agreement to earmark or otherwise designate Mr. Nesbitt's contribution to the Fund for Geoff Davis For Congress Committee. I know of no one associated with the Fund who remembers ever meeting or speaking with Mr. Nesbitt.

7) During September 2003, the Fund made contributions to 12 separate Republican primary campaign committees. The Fund did make a contribution to Geoff Davis for Congress on September 30, 2003 in the amount of \$1,000. This contribution was not made pursuant to any agreement, expressed or implied with Mr. Nesbitt by myself or to my knowledge any representative of the Fund.

8) Geoff Davis is running for a seat in the U.S. House of Representatives from Kentucky for the second time. This congressional race has been and will continue to be one of the most hotly contested in the country. Both Representative Hoekstra and MiLead Fund in the prior election cycle supported Geoff Davis's efforts to be elected to congress through a prior MiLead Fund contribution in the amount of \$500.00 on October 30, 2002.

9) I have no reason to believe that the September 30, 2003 contribution to Geoff Davis for Congress by MiLead Fund was related in any manner to the contribution from Mr. Nesbitt.

10) I understood that the September 30, 2003 date of contribution corresponded with the closing of a reporting period to the Federal Election Commission by the Davis campaign. It is my belief the timing of the contribution reflects a desire to provide Mr. Davis with the contribution prior to the closing of the reporting period.

11) Although I have no recollection of any specific discussion regarding the September 30, 2003 contribution to the Davis campaign, it is my clear understanding approval of the

contribution was based upon its importance to the goal of electing more Republicans to the House of Representatives.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the facts set forth herein are true and correct.

By: Mark J. Brenner  
Mark J. Brenner

6/3/04  
Date

DEPOSIT TICKET  
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.

**National City.**  
www.nationalcity.com  
National City Bank of Michigan/Illinois  
Detroit, Michigan

DATE **9-23-03**

	DOLLARS	CENTS
CURRENCY		
COIN		
LIST EACH CHECK		
<i>Nesbitt, P</i>	<i>1,000</i>	<i>—</i>
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	<i>\$</i>	

**MILEAD FUND**  
**PETE HOEKSTRA, CHAIRMAN**  
FEC C00377663  
P.O. BOX 65796  
WASHINGTON, DC 20035

CHICKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE AND ANY APPLICABLE CREDIT FROM CREDITORS.

PLEASE  
ENTER  
TOTAL

PLEASE BE SURE ALL ITEMS  
ARE PROPERLY ENDORSED.  
DEPOSITS MAY NOT BE AVAILABLE  
FOR IMMEDIATE WITHDRAWAL.

9-21-332  
720  
TOTAL  
ITEMS ☐

*1000.00*

**JEANNE NESBITT**  
**QUENTIN NESBITT**  
CINCINNATI, OH 45224

DATE **9-23-03**

13-31/20

3448

**Fifth Third Bank**  
CINCINNATI, OHIO

**PLATINUM**  
**ONE ACCOUNT**

**FOR**

*Debra J. Hancock and myself*

*Debra J. Hancock*

**PAY TO THE ORDER OF** *MILEAD FUND* **\$ 1,000.00**

**DOLLARS**

*11*  
*10/30/03*

25021377057

# Mi Lead Fund

Hon. Peter Hoekstra  
Chairman

Mark Brenner  
Treasurer

Post Office Box 65796  
Washington, DC 20035

202-783-1980  
Fax 202-783-1918

October 30, 2003

Mr. Quentin Nesbitt  
1 Tanglewood Ln.  
Cincinnati, OH 452224

Dear Mr. Nesbitt:

Thank you for your generous contribution to my leadership PAC, the Mi Lead Fund.

Your contribution to the Mi Lead Fund helps us support candidates for political office who share the same goals for America that so many of us in this country hold dear. With your help, and the help of others, this Fund will ensure that America's future leaders are committed to values of a rational federal government focused on doing the things it can do well for the American public, while staying out of activities that the federal government is ill-prepared to perform.

Support like yours is what has helped propel Republicans to lead in Congress. Thank you for everything that you have done for the Mi Lead Fund and for me.

Again, thank you for your generous support.

Sincerely,

Pete Hoekstra

Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

**AFFIDAVIT FOR REPRESENTATIVE PETE HOEKSTRA**

**Re: MUR 5445/MiLead Fund**

- 1) I, Pete Hoekstra, am the Representative of the Second District of Michigan in the United States House of Representatives.**
- 2) I am the organizer of the MiLead Fund ("Fund"). I organized the Fund to help elect Republican candidates in the House. My goal was to assist in maintaining a Republican majority in the United States House of Representatives.**
- 3) To the best of my knowledge, I have never met Quentin Nesbitt nor spoken with him. I made no representation to Mr. Nesbitt that his contribution to the Fund would be accepted on an earmarked basis. I would not have permitted the Fund to accept contributions from anyone on that basis and, to my knowledge the Fund has never accepted an earmarked or designated contribution from a donor.**
- 4) I know of no one associated with the Fund who made any agreement to earmark or otherwise designate Mr. Nesbitt's contribution to the Fund for the Geoff Davis for Congress Committee. I know of no one associated with the Fund who remembers ever meeting or speaking with Mr. Nesbitt.**
- 5) The Fund did make a contribution to Geoff Davis for Congress on September 30, 2003 in the amount of \$1,000. This contribution was not made pursuant to any agreement, expressed or implied with Mr. Nesbitt, or to my knowledge, any authorized representative of the Fund.**

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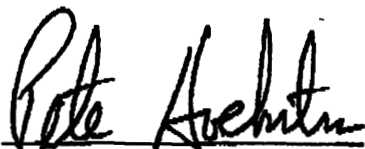
6) Geoff Davis was running for a seat in the U.S. House of Representatives from Kentucky for the second time. This congressional race has been and will continue to be one of the most hotly contested in the country. Thus, I have and will continue to strongly support his campaign.

7) The Fund made a contribution to Mr. Davis's campaign because I believe he would be an excellent member of the U.S. House of Representatives. Contributions to Mr. Davis are important to his ability to be elected, and his election is important to the ability of the Republican Party to maintain a majority in the U.S. House of Representatives. I do not believe that the September 30, 2003 contribution to Geoff Davis for Congress Committee by the Fund is related in any manner to the contribution from Mr. Nesbitt to the Fund.

8) I have no present recollection of any specific discussions regarding this contribution to the Davis campaign. I have no doubt approval of the contribution was based on knowledge of the importance of the Davis campaign and Geoff Davis's election to the Republican majority in the House. Financial support for Geoff Davis's campaign is important to my goal and that of the Fund to elect more Republicans to the House of Representatives.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the facts set forth herein are true and correct.

By:



Pete Hoekstra

June 9, 04

Date

25044111035